

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

MYMAIL, LTD.,

Plaintiff,

vs.

AMERICA ONLINE, INC., ET. AL.,

Defendants.

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**CIVIL ACTION
6:04-CV-189**

JURY TRIAL REQUESTED

MYMAIL'S PRELIMINARY INFRINGEMENT CONTENTIONS

In compliance with the Court's Patent Rule 3-1, MyMail, Ltd. ("MyMail") submits its "Disclosure of Asserted Claims and Preliminary Infringement Contentions," and an accompanying document production in compliance with the Court's Patent Rule 3-2.

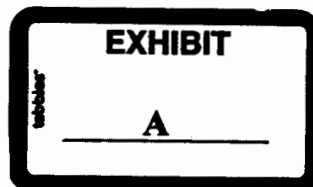
I. Disclosure of Asserted Claims and Preliminary Infringement Contentions

For each party against which it has asserted claims of infringement, MyMail supplies the following information in compliance with Patent Local Rule 3-1:

A. Defendant America Online, Inc. ("AOL")

1. MyMail asserts claims 1-8, 11-13 of U.S. Patent No. 6,571,290 (the "290 Patent") against AOL.
2. Each of the following AOL products and services¹ infringes each asserted

¹ This list of accused products and services includes only the products and services of which MyMail is aware of at this time. MyMail has propounded discovery on each defendant regarding the identification of all accused products and services, but no defendant has yet responded. MyMail reserves its right to supplement and/or amend this list upon discovery of



claim of the '290 Patent:

- a. AOL 9.0, including all other software, hardware, products, services, systems, components, or equipment that provide and/or facilitate remote network access, including Internet access, by AOL Internet users and/or subscribers using AOL 9.0.
 - b. AOL 8.0, including all other software, hardware, products, services, systems, components, or equipment that provide and/or facilitate remote network access, including Internet access, by AOL Internet users and/or subscribers using AOL 8.0.
 - c. AOL 7.0, including all other software, hardware, products, services, systems, components, or equipment that provide and/or facilitate remote network access, including Internet access, by AOL Internet users and/or subscribers using AOL 7.0.
 - d. AOL 6.0, including all other software, hardware, products, services, systems, components, or equipment that provide and/or facilitate remote network access, including Internet access, by AOL Internet users and/or subscribers using AOL 6.0.
 - e. AOL 5.0, including all other software, hardware, products, services, systems, components, or equipment that provide and/or facilitate remote network access, including Internet access, by AOL Internet users and/or subscribers using AOL 5.0.
 - f. AOL 4.0, including all other software, hardware, products, services, systems, components, or equipment that provide and/or facilitate remote network access, including Internet access, by AOL Internet users and/or subscribers using AOL 4.0.
3. MyMail contends that each asserted claim is literally infringed by the accused products and services of AOL, as indicated by the infringement claim charts attached hereto as Exhibit A. In the alternative, MyMail contends that any asserted claim not found to be literally infringed is infringed under the doctrine of equivalents.

additional infringing products. In addition, MyMail's Preliminary Infringement Contentions, including the claim charts attached, are preliminary in nature. MyMail reserves its right to supplement and/or amend these contentions, including the claim charts associated therewith, in accordance with this Court's Patent Rules.

McKOOL SMITH, P.C.

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**ATTORNEYS FOR PLAINTIFF
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Exhibit A

Preliminary Infringement Claim Chart for U.S. Patent No. 6,571,290 B2
America Online, Inc. ("AOL")

Claim Element	Claim Language	Accused Products and Services¹
1	A method of connecting a user to a given NSP (Network Service Provider) comprising the steps of:	
1A	providing a network device user with an initial use set of log-in information for initially communicating with an access SP (Service Provider) via an available NSP;	AOL's Accused Products and Services enable a computer user to initially communicate with AOL's Internet Access Service ² over a network via an available Network Service Provider ("NSP"). NSPs are used by AOL to provide its users or subscribers network access. AOL provides computer users with software, available on computer disks (like CDs) or via download, to facilitate this communication. The provided software is installed on the user's computer and provides to the user certain initialization log-in information, such as an initialization user ID and password, that allows the user's computer to initially communicate with AOL's Internet Access Service through an NSP. This log-in information is used by the NSPs and/or AOL's Accused Products or Services to grant the user's computer network access. The initialization log-in information, therefore, allows the user's computer to access the NSP, which in turn, provides network access to the user's computer. The initial communication between the user's computer and the AOL's Internet Access Service is provided over a network and may take place when a user accesses AOL's Internet Access Service for the very first time or when a user subsequently accesses AOL's

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Claim Element	Claim Language	Accused Products and Services ¹
		<p>Internet Access Service for the first time from a particular location or for the first time to begin a new subscription (e.g., such as when a user attempts a network connection after the expiration of the user's on-line subscription or after the expiration of the user's credit card that was used to secure that on-line subscription). In any case, AOL's Accused Products provide the user with the initial set of log-in information for such initial communication.</p>
1B	<p>storing in a database of the network device a hidden time shared set of log-in information supplied by said access SP for accessing said given NSP; and</p>	<p>The initial log-in information provided to the user by AOL's Accused Products and Services in 1A, above, allows the user's computer to access the NSP, which in turn, provides network access to the user's computer. This initial log-in information is stored in a database on the user's computer and is hidden from the user. The initial log-in information is also shared in one or more ways, such as by one or more users' computers, one or more NSPs used by AOL to provide its users or subscribers network access, and the AOL's Internet Access Service.</p> <p>During the initial communication between the user's computer and AOL's Internet Access Service (see 1A), AOL's Accused Products and Services also provide to the user's computer another set of log-in information, such as a user ID and password, for use in the next communication with the network. This other set of log-in information allows the user's computer to access the NSP, which in turn, provides network access to the user's computer. This other set of log-in information is stored in a database on the user's computer and is hidden</p>

Preliminary Infringement Claim Chart for U.S. Patent No. 6,571,290 B2
America Online, Inc. ("AOL")

Claim Element	Claim Language	Accused Products and Services¹
1C	causing the network device to reestablish communication with the network via said given NSP using the hidden set of log-in information.	After the initial communication with AOL's Internet Access Service, AOL's Accused Products and Services cause the user's computer, when next communicating with the network, to reestablish such communication using the set of log-in information provided to the user's computer in the initial communication session (see 1B). This log-in information is used by the NSPs and/or AOL's Accused Products or Services to grant the user's computer network access. This set of log-in information, therefore, allows the user's computer to access the NSP, which in turn, provides network access to the user's computer and allows the user's computer to communicate with the network. As indicated in 1B, this additional set of log-in information is stored on the user's computer and hidden from the user.
2	The method of claim 1 further comprising the step of supplying said set of log-in information for said given NSP to other users contacting said access service.	AOL provides identical versions of the software referenced in 1A, above, to many users. This software, in turn, provides multiple users with identical log-in information when installed. This log-in information, such as a user ID and password, is hidden from the user and stored in a database on the user's computer. This log-in information is used by the NSPs and/or AOL's Accused Products or Services to grant the user's computer network access.

Preliminary Infringement Claim Chart for U.S. Patent No. 6,571,290 B2
America Online, Inc. ("AOL")

Claim Element	Claim Language	Accused Products and Services¹
3	A method of connecting a user to a network comprising the steps of:	During the initial communication between the user's computer and AOL's Internet Access Service, AOL's Accused Products and Services also provide to the user's computer another set of log-in information for use in the next communication with the network (see 1B). This log-in information, such as a user ID and password, is stored in a database on the user's computer and is hidden from the user. On information and belief, AOL's Accused Products and Services provide multiple users or subscribers with the same additional set of log-in information for such subsequent network connections.
3A	receiving a first access telephone number of an access service provider;	AOL's Accused Products and Services enable a computer user to initially communicate with AOL's Internet Access Service. A user may initially communicate with AOL's Internet Access Service when that user accesses AOL's Internet Access Service for the very first time or when a user subsequently accesses AOL's Internet Access Service for the first time from a particular location or for the first time to begin a new on-line session or new subscription (as described earlier). AOL provides computer users with software, available on computer disks (like CDs) or via download, to facilitate this communication. The provided software is installed on the user's computer and provides to the user a first access telephone number that allows the user's

Preliminary Infringement Claim Chart for U.S. Patent No. 6,571,290 B2
America Online, Inc. ("AOL")

Claim Element	Claim Language	Accused Products and Services¹
		computer to connect to AOL's Internet Access Service. A first access number may also include an access number received by the user in accordance with the methods and procedures used by AOL in 3C, below.
3B	establishing a first telecommunications link to the access service provider via the first access telephone number;	After the computer user receives with the first access telephone number, AOL's Accused Products and Services allow the user's computer to establish a telecommunications link with AOL's Internet Access Service using that first access telephone number. AOL's Accused Products and Services allow the computer user to dial the first access number from the computer, after which a first telecommunications link is established to AOL's Internet Access Service. This first telecommunications link may take place when a user accesses AOL's Internet Access Service for the very first time or when a user subsequently accesses AOL's Internet Access Service for the first time from a particular location or for the first time to begin a new on-line session or new subscription (as described earlier). In any case, AOL's Accused Products provide the user with the first access telephone number to establish such first telecommunications link.
3C	receiving from the access service provider via the first telecommunications link one or more second access telephone numbers for future	During the initial communication between the user's computer and AOL's Internet Access Service over the first telecommunications link, AOL's Accused Products and Services present to the user a list of one or more second access telephone numbers for future communications. AOL's Accused Products and Services then provide to the user's computer a selection of these one or more

Preliminary Infringement Claim Chart for U.S. Patent No. 6,571,290 B2
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Claim Element	Claim Language	Accused Products and Services¹
	communications; and	second access telephone numbers. These one or more second access telephone numbers are received by the user's computer over the first telecommunications link.
3D	connecting to the network via a second telecommunications link via one of the one or more second access telephone numbers.	After the initial communication with AOL's Internet Access Service, AOL's Accused Products and Services allow the user's computer to establish a connection to the network using one or more of the second access telephone numbers received in 3C, above. AOL's Accused Products and Services allow the user to dial one or more of the second access telephone numbers from the computer, after which a second communications link is established and the user's computer is connected to a network.
4	The method of claim 3, wherein the first telecommunications link and the second telecommunications link comprises at least one of a packet-switched communications link and a circuit-switched communications link.	The first telecommunications link and the second telecommunications link provided by AOL's Accused Products and Services each comprise at least one of a packet-switched communications link and a circuit-switched communications link. The first telecommunications link and the second telecommunications link at least initially use telephony components to connect the user's computer to the network and/or AOL's Internet Access Service. Telephony uses circuit-switched communications links. When the user's computer becomes connected to the network or AOL's Internet Access Service, the first communications link and the second telecommunications link then use Internet Protocol ("IP") to transfer data between the user's computer and the network or other computers on the network (such as the computer or computers that provide AOL's Internet

Preliminary Infringement Claim Chart for U.S. Patent No. 6,571,290 B2
America Online, Inc. ("AOL")

Claim Element	Claim Language	Accused Products and Services¹
		Access Service). IP uses packet-switched communications links to transfer data.
5	The method of claim 3, wherein the network is the Internet.	The network to which a user's computer is connected using AOL's Accused Products and Services is the Internet.
6	A method of connecting a user to a network comprising the steps of:	
6A	providing the user a first access telephone number to access an access service provider via an available NSP;	AOL's Accused Products and Services enable a computer user to access AOL's Internet Access Service over a network. A user may first access AOL's Internet Access Service when that user accesses AOL's Internet Access Service for the very first time or when a user subsequently accesses AOL's Internet Access Service for the first time from a particular location or for the first time to begin a new on-line session or new subscription (as described earlier). In any case, AOL's Accused Products provide the user with a first access telephone number for such first access. AOL provides computer users with software, available on computer disks (like CDs) or via download, to facilitate this access. The provided software is installed on the user's computer and provides the user a first access telephone number that allows the user's computer to connect to AOL's Internet Access Service through an NSP. NSPs are used by AOL to provide its users or subscribers network access. A first access number may also include an access number provided to the user in accordance with the methods and procedures used by AOL in 3C, above.

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Claim Element	Claim Language	Accused Products and Services¹
6B	providing to the user a connection to the network via the first access telephone number and the available NSP;	AOL's Accused Products and Services provide the computer user a connection to the network. The Accused Products and Services allow the user to dial the first access number provided in 6A, which in turn provides a connection to the network through an NSP that is used by AOL to provide its users or subscribers network access.
6C	providing to the user from the access service provider information indicating a second access telephone number for a given NSP; and	<p>During the network connection provided in 6B, the user's computer may communicate with AOL's Internet Access Service. When communicating with this Access Service, AOL's Accused Products and Services present to the user a list of one or more second access telephone numbers for future network connections using an NSP. AOL's Accused Products and Services then provide the user's computer with a selection of these one or more second access telephone numbers for future network communications.</p> <p>In addition, when a user is connected to the network, regardless of whether such connection is an initial connection or some subsequent connection, AOL's Accused Products and Services provide to the user an indication of when the list of access telephone numbers available for future network communications using an NSP are modified. This indication often takes the form of a pop-up window on the user's computer interface. The user may then access AOL's Internet Access Service over the network in the manner indicated above, which will present to the user the modified list of second access telephone numbers for use</p>

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America Online, Inc. ("AOL")

Claim Element	Claim Language	Accused Products and Services¹
		in future communications. AOL's Accused Products and Services then provide the user's computer with a selection of these one or more modified second access telephone numbers for future network communications.
6D	providing to the user a connection to the network via the second access telephone number and the given NSP.	After the one or more second access telephone numbers are provided to the user, AOL's Accused Products and Services cause the user's computer, when next connecting to the network, to establish this connection using one or more of the second access telephone numbers provided in 6C, above. AOL's Accused Products and Services allow the user to dial one or more of the second access telephone numbers from the computer, which, in turn, provides a second network connection through an NSP used by AOL to provide its users or subscribers network access..
7	The method of claim 6, wherein the first access telephone number is an "800" telephone number.	When a user accesses AOL's Internet Access Service for the very first time or when a user accesses a AOL's Internet Access Service for the first time from a particular location or for the first time to begin a new subscription (as previously described), AOL's Accused Products and Services provide the user a first access telephone number that is a toll-free telephone number.
8	The method of claim 6, wherein the second access telephone number is the same telephone number as the first access telephone number.	The second access telephone number provided to a user by AOL's Accused Products and Services in 6C, above, may be the same number as the first access number provided to a user by AOL's Accused Products and Services in 6A, above.

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Claim Element	Claim Language	Accused Products and Services¹
11	A method of obtaining access to a network comprising the steps of:	
11A	accessing the network via an available network service provider (NSP) using a previously provided set of log-in data;	AOL's Accused Products and Services enable a computer user to access the network via an available Network Service Provider ("NSP"). NSPs are used by AOL to provide its users or subscribers network access. AOL provides computer users with software, available on computer disks (like CDs) or via download, to facilitate this access. The provided software is installed on the user's computer and provides to the user certain log-in information, such as a user ID and password, that allows the user's computer to access the network through an NSP. Log-in data may also be provided to the user from the AOL's Accused Products and Services over the network in a previous network connection (see 1B). The previously provided log-in data is used by the NSPs and/or AOL's Accused Products or Services to grant the user's computer network access. The previously provided log-in data, therefore, allows the user's computer to access the NSP, which in turn, provides network access to the user's computer. The network access may take place when a user accesses the network the very first time or when a user subsequently accesses the network or for the first time to begin a new session or new subscription (as previously described). In any case, AOL's Accused Products provide the user with the previously provided set of log-in data for such communication.
11B	communicating with an access	Once the user's computer accesses the network in accordance with 11A, AOL's

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Claim Element	Claim Language	Accused Products and Services¹
	service;	Accused Products and Services enable a computer user to communicate with AOL's Internet Access Service over that network via the Network Service Provider ("NSP") providing such network access.
11C	storing a modified set of log-in data received from said access service;	During the communication between the user's computer and AOL's Internet Access Service (see 11B), AOL's Accused Products and Services also provide to the user's computer a modified set of log-in information, such as a modified user ID and modified password, for use in the next communication with the network. This modified set of log-in information is stored on the user's computer and allows the user's computer to access the NSP, which in turn, provides network access to the user's computer.
11D	disconnecting from the network; and	After the communication with AOL's Internet Access Service (see 11B), AOL's Accused Products and Services cause the user's computer, to disconnect from the network before next accessing the network.
11E	using said modified set of log-in data when next accessing the network via a given NSP.	After the disconnecting with the network (see 11D), AOL's Accused Products and Services cause the user's computer, when next accessing the network, to reestablish such access using the modified set of log-in information provided to and stored by the user's computer in the 11C. This modified set of log-in information is used by the NSPs and/or AOL's Accused Products or Services to grant the user's computer network access. The modified set of log-in data, therefore, allows the user's computer to access the NSP, which in turn, provides

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Claim Element	Claim Language	Accused Products and Services¹
12	A method of preventing a network user from unauthorized distribution of network access log-in data comprising the steps of:	network access to the user's computer.
12A	supplying a user with initialization log-in data whereby a temporary communication with the network via an available network service provider (NSP) may be established between a network accessing device and an access service:	AOL's Accused Products and Services enable a computer user to temporarily communicate with AOL's Internet Access Service over a network via an available Network Service Provider ("NSP"). NSPs are used by AOL to provide its users or subscribers network access. AOL provides computer users with software, available on computer disks (like CDs) or via download, to facilitate this communication. The provided software is installed on the user's computer and provides to the user certain initialization log-in data, such as an initialization user ID and password, that allows the user's computer to temporarily communicate with AOL's Internet Access Service over a network through an NSP. This initialization log-in data is used by the NSPs and/or AOL's Accused Products or Services to grant the user's computer temporary network access. The initialization log-in data, therefore, allows the user's computer to access the NSP, which in turn, provides network access to the user's computer. The temporary communication between the user's computer and the AOL's Internet Access Service is provided over a network and may take place when a user accesses AOL's Internet Access Service for the very first time or when a user

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Claim Element	Claim Language	Accused Products and Services¹
		subsequently accesses AOL's Internet Access Service for the first time from a particular location or for the first time to begin a new subscription (as previously described). In any case, AOL's Accused Products provide the user with the initial set of log-in data for such initial communication.
12B	storing a hidden set of log-in data in said network accessing device obtained from said access service during the temporary communication with the network; and	During the temporary network communication between the user's computer and AOL's Internet Access Service (see 12A), AOL's Accused Products and Services provide to the user's computer another set of log-in data, such as a user ID and password, for use in the next communication with the network. This other set of log-in information allows the user's computer to access the NSP, which in turn, provides network access to the user's computer. This other set of log-in data is stored on the user's computer and is hidden from the user.
12C	causing said network accessing device to disconnect from the temporary communication with the network and to re-establish communication with the network via a given NSP using said hidden set of log-in data stored in said network accessing device.	After the initial communication with AOL's Internet Access Service (see 12A), AOL's Accused Products and Services cause the user's computer, when next communicating with the network (after termination of the temporary network connection), to reestablish such communication using the hidden set of log-in data provided to the user's computer in the initial communication session (see 12B). When the user's computer reestablishes communication with the network, access to the network is provided by an NSP used by AOL to provide its users or subscribers access to the network. The log-in data is used by the NSPs and/or AOL's Accused Products or Services to grant the user's computer network access. The log-in data, therefore, allows the user's computer to access the NSP,

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13	A method of connecting a user to an NSP (Network Service Provider) comprising the steps of:	which in turn, provides network access to the user's computer. As indicated in 12B, this set of log-in data is stored on the user's computer and hidden from the user.
13A	providing to a user an initializing set of identification information;	AOL's Accused Products and Services enable a computer user to connect to a network via an available Network Service Provider ("NSP"). NSPs are used by AOL to provide its users or subscribers network access. AOL provides computer users with software, available on computer disks (like CDs) or via download, to facilitate this access. The provided software is installed on the user's computer and provides to the user certain initializing identification information such as an initialization user ID and password, that allows the user's computer to connect to the network through an NSP. Initializing identification information may also be provided to the user from the AOL's Accused Products and Services over the network in a previous network connection (see 1B).
13B	establishing communication with an access SP (Service Provider) on the network through an initialization NSP using the	The initializing set of identification information provided in 13A is used by the NSPs and/or AOL's Accused Products or Services to grant the user's computer network access. The identification information, therefore, allows the user's computer to access an initialization NSP, which in turn, provides network access

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	initializing set of identification information;	to the user's computer. While the user's computer is connected to the network, AOL's Accused Products and Services allow the user's computer to communicate with AOL's Internet Access Service over that network connection. The network access may take place when a user accesses the network the very first time or when a user subsequently accesses the network or for the first time to begin a new session or new subscription (as previously described).
13C	receiving and storing a customized set of identification information from said access SP for a selected NSP;	During the communication between the user's computer and AOL's Internet Access Service (see 13B), AOL's Accused Products and Services provide to the user's computer a customized set of identification information, such as a customized user ID and password, for use in the next communication with the network. This customized set of identification information allows the user's computer to access a selected NSP, which in turn, provides network access to the user's computer.
13D	breaking communication with said initialization NSP; and	After the communication with AOL's Internet Access Service (see 13B), AOL's Accused Products and Services cause the user's computer, to disconnect from the network, thus breaking communication with the initialization NSP, before next accessing the network.
13E	re-establishing communication with the network through said selected NSP using the customized	After breaking the communication with the initialization NSP (see 13D), AOL's Accused Products and Services cause the user's computer, when next communicating with the network, to reestablish such communication using the

Preliminary Infringement Claim Chart for U.S. Patent No. 6,571,290 B2
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Claim Element	Claim Language	Accused Products and Services ¹
	set of identification information.	customized set of identification information provided to the user's computer in the 13B. This customized set of identification information is used by the NSPs and/or AOL's Accused Products or Services to grant the user's computer network access. The customized set of log-in information, therefore, allows the user's computer to access the NSP, which in turn, provides network access to the user's computer.

1. As used herein, AOL's Accused Products and Services for each asserted claim includes those Accused Products and Services listed in MyMail's Preliminary Infringement Contentions, of which this claim chart is an attachment. The list of AOL's Accused Products and Services includes only the products and services of which MyMail is aware of at this time. MyMail has propounded discovery on each defendant regarding the identification of all accused products and services, but no defendant has yet responded. MyMail reserves its right to supplement and/or amend this list upon discovery of additional infringing products. In addition, MyMail's Preliminary Infringement Contentions, including this claim chart, are preliminary in nature. MyMail reserves its right to supplement and/or amend these contentions, including the claim charts associated therewith, in accordance with this Court's Patent Rules.
2. As used herein, AOL's Internet Access Service includes all hardware, software, systems, components, and Internet-related services, that work with, provide, support, maintain, or enable AOL's Accused Products and Services to provide Internet Access to AOL's users or subscribers. AOL's Internet Access Service provides, maintains, supports, or enables, at least in part, the instrumentality that practice the claimed methods herein, and is included in MyMail's definition of Accused Products and Services.
3. AOL has yet to produce any documents relating to the Accused Products and Services. Nonetheless, MyMail believes that the Accused Products and Services provides multiple users or subscribers with the same additional set of log-in information for

**Preliminary Infringement Claim Chart for U.S. Patent No. 6,571,290 B2
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subsequent network connections. MyMail will supplement its contention in accordance with the Patent Rules as to this element, if necessary, upon receiving full responses to its outstanding discovery requests.